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ELECTION UNDER 35 U.S.C. § 121  
Examining Group 1645  
Patent Application  
Docket No. GJE-70  
Serial No. 09/868,352

# 11  
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2/14/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Padmavathi V. Baskar  
Art Unit : 1645  
Applicants : Hughes *et al.*  
Serial No. : 09/868,352  
Filed : September 10, 2001  
Conf. No. : 7295  
For : Genes and Proteins, and Their Use

Assistant Commissioner for Patents  
Washington, D.C. 20231

ELECTION UNDER 35 U.S.C. § 121

A Petition and fee for a one-month Extension of Time through and including January 21, 2003, accompanies this Election.

In response to the written Restriction Requirement dated November 21, 2002, the applicants hereby elect, with traverse, to prosecute the Group V claims, *e.g.*, claims 24-28, drawn to a method for the treatment or prevention of a condition with bacterial streptococcal infection. The applicants further elect the following species: *pho3-1* (SEQ ID NO. 23).

An associate power of attorney accompanies this Election.

The applicants respectfully submit that there is unity of invention among the claims in the subject application. As the Examiner is aware, under PCT Rule 13.1, there is unity of invention if a group of inventions in an application are so linked as to form a single general inventive concept. PCT Rule 13.2 states that unity of invention exists where there is a technical relationship among the claimed inventions involving one or more of the same or corresponding "special technical features." The expression "special technical features" is defined in the rules as

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